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26291	7590	07/30/2004	EXAMINER	
MOSER, PATTERSON & SHERIDAN L.L.P.			HOYE, MICHAEL W	
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SHREWSBURY, NJ 07702			2614	

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/640,966

Applicant(s)

GORDON ET AL.

Examiner

Michael W. Hoyer

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 August 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because the Figures are informal and lack well defined lines and clarity. New corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

2. Claim 1 is objected to because of the following informalities: in line 6 of the claim, the word "the" which occurs prior to the "music interface page..." should be --a--. Appropriate correction is required.

Claim 12 is objected to because of the following informalities: in line 3 of the claim, the word "listing" should be --listings--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-11, 13-14, 19-21, 28-30 and 34 are rejected under 35 U.S.C. 102(e) as being anticipated by Ellis et al (US 2004/0117831).

As to claim 1, note the Ellis et al reference which discloses a method for providing an interactive music interface. The claimed providing an interactive program guide (IPG) page having included therein a music icon representative of a topic of music is met by music icon (option 112D in Fig. 3, see pg. 14, ¶[0164]), which, when selected, displays the MUSIC HUB menu screen 630 as shown in Fig. 52, where the user may select a variety of program guide features related to music and music related programming, including music channels (option 631A). The claimed receiving a selection for the music icon is met by selecting the Music Channels option or icon (631A), which causes the MUSIC CHANNELS menu display 634 of Fig. 53A to be displayed, and the claimed providing the music interface page having included therein a listing of music channels is met by the MUSIC CHANNELS menu display 634 in Fig. 53A as described above (see pg. 20, [0217]-[0219]).

As to claim 2, the claimed receiving an indication that a particular music channel has been selected is met by the user selecting or highlighting a music channel 636 as shown in Fig. 53A (see pgs. 20-21, [0219]-[0220]). The claimed retrieving an audio stream associated with the selected music channel and processing the retrieved audio stream is met by the user selecting an option or channel icon in listing 636 and the program guide tunes to the selected music channel and the audio of the program guide is switched to the selected channel (see Fig. 53A and pg. 21, [0220]-[0223]).

As to claim 3, the claimed particular music channel is selected via depression of a particular key is met by the user using UP and DOWN arrow keys on the remote control (see pg. 21, [0220]).

As to claim 4, the claimed the particular music channel is selected by movement of a cursor over the music channel is met by the user using the remote control arrow keys or cursor keys to highlight or select an option in listing 636 of Fig. 53A, where the program guide switches the current audio to the selected or highlighted music channel (see pg. 21, [0220], also see pg. 16, [0187]).

As to claim 5, the claimed receiving an indication that a particular music channel has been highlighted; retrieving an audio stream associated with the highlighted music channel; and processing the retrieved audio stream is met by the user using the remote control arrow keys or cursor keys to highlight or select an option in listing 636 of Fig. 53A, where the program guide switches the current audio to the selected or highlighted music channel (see pg. 21, [0220], also see pg. 16, [0187]) by tuning to the selected music channel (pg. 21, [0220]-[0223]).

As to claim 6, the claimed particular music channel is highlighted by movement of a cursor over the music channel is met by using the remote control cursor keys as described above to move the highlighted region or cursor over the music channel.

As to claim 7, the claimed retrieving a data stream associated with the selected music channel is met by the in-band data or channel received with the music channels (pg. 21, [0221]. The claimed decoding the data stream to retrieve descriptive information for the selected music channel and providing the descriptive information is met by the set-top box decoding the in-band information from the selected music channel and displaying the song title, artist, and album

cover of the song, as well as other information in the program guide screen (pg. 21, [0221]-[0223]).

As to claim 8, the claimed retrieving a video stream associated with the selected music channel; decoding the retrieved video stream; and providing decoded video for the selected music channel is met by the user selecting option 631B in screen 630 of Fig. 52, where the program guide may display screen 640 as shown in Fig. 53B, which displays available music video channels and where the user may select an available channel from listing 641, where the program guide switches the current video in window 105 to the selected music video channel to play the current video and accompanying music and the set-top box tunes and decodes the video stream and data for display in the program guide screen 640 (see pg. 21, [0224]).

As to claim 9, the claimed the music interface page includes a plurality of display regions is met by Fig. 53B, for example, the claimed wherein the selected music channel is included in a music channel listing that is displayed in a first display region is met by channel listing 641, and the claimed wherein the decoded video is displayed in a second display region is met by the music video region 105.

As to claim 10, the claimed retrieving one or more objects used to identify the music interface page is met by objects 631A-631F as well as other objects as shown in Fig. 52; and the claimed providing the retrieved objects at particular locations of the music interface page is met by the locations of the objects described above as shown in the display screen 630 of Fig. 52.

As to claim 11, note the Ellis et al reference which discloses an interactive music interface page. The claimed one or more display regions configurable to display a listing of a plurality of music channels is met by the upper region of each channel display object as shown in

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the channel listing 636 in Fig. 53A and 641 in Fig. 53B, which lists the name or title of the music channel; and the claimed channel description region configurable to display information for a particular music channel in the listing is met by the lower region of each channel display object as shown in the channel listing 636 in Fig. 53A and 641 in Fig. 53B, which gives a description of the music channel, such as the artist name and the title of the song (see pg. 21, [0221] & [0224]).

As to claim 13, the claimed each display region is configurable to display a video in place of the music channel listing previously displayed in the display region is met by Fig. 53C, screen 645 (see pg. 21, [0225]).

As to claim 14, the claimed video is associated with the particular music channel is met by screen 645 in Fig. 53C as described above, where the album cover, music video, or other still image for the current song on the music or music video channel may be displayed on screen 645 (see pg. 21, [0225]).

As to claim 19, the claimed header region configurable to display one or more objects identifying the music interface page is met by the header region which displays the object entitled, "MUSIC HUB", as shown in the menu screen 630 as shown in Fig. 52. Other menu screens have similar header regions to display one or more objects for identifying the page, screen or menu.

As to claim 20, the claimed least one object in the header region is associated with a video is met by the VIDEO WINDOW 105 as shown in Figs. 52, 53A-53B, 53E, 54A-54E, and 55-57.

As to claim 21, the claimed video is used to provide animation of the associated object is met by the program guide switches the current video in window 105 to the selected music video channel to play the current video and accompanying music (see pg. 21, [0224]).

As to claim 28, note the Ellis et al reference which discloses the claimed interactive user interface for a terminal (set-top box 26) coupled to a server (11, 12 and 16) via a distribution network (18, 21A-C, 24 and 31) as shown in Fig. 1A. The claimed the user interface comprising a program guide (Fig. 3, for example) including one or more guide pages rendered and encoded at the server (16 (server 22), see Fig. 1A and pg. 5, [0101]); and a music interface linked to the program guide and including at least one music interface page constructed at the terminal is met by Fig. 52 (see pg. 20, [0217] and [0219] and pg. 21, [0223]).

As to claims 29-30, the claimed at least one music page is constructed using low-bandwidth data received from the server by the terminal, and wherein the low-bandwidth data is transmitted via an out-of-band channel of the distribution network is met by the data or objects may be transmitted via an out-of-band channel as described on page 4 in ¶ [0095] and page 21 in ¶ [0223].

As to claim 34, the claimed a link within the at least one music interface page to provide an electronic commerce opportunity to purchase music content is met by option 656C in Fig. 53E, where the user may select the option in order to attempt to purchase the music content.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:



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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al, in view of Hendricks et al (USPN 5,990,927), both cited by the Examiner.

As to claim 12, the Ellis et al reference discloses a music interface page as described above in claim 11. The Ellis et al reference does not explicitly disclose that the music interface page includes two display regions located side by side to provide two columns of music channel listing. The Hendricks et al patent teaches a music interface page comprising display regions located side by side to provide multiple columns of music channel listings as shown in Fig. 21. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the interactive music interface page in the Ellis et al reference with the teachings of the Hendricks et al reference which shows more than one column of music channel listings in display regions located side by side for the advantage of providing additional music channels on a single display screen in an organized format. One of ordinary skill in the art would have been led to make such a modification since having more than one column of music channel listings is merely a design choice or a feature that may be set up by the designer or user of the product.

7. Claims 15 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al, in view of Boucher et al (USPN 6,675,387), both cited by the Examiner.

As to claim 15, the Ellis et al reference discloses a music interface page as described above in claim 13. The Ellis et al reference does not explicitly disclose that the video is encoded

as slices via slice-based encoding. The Boucher et al patent teaches a system and methods for preparing multimedia data using digital video data compression, wherein the video is encoded as slices via slice-based encoding (see the Abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the interactive music interface page in the Ellis et al reference with the teachings of the Boucher et al reference which teaches encoding video as slices using slice-based encoding for the advantages of saving transmission bandwidth, data processing, and data storage, since video data updates are smaller in size. One of ordinary skill in the art would have been led to make such a modification since using slice-based encoding provides additional efficiency for transmitting and processing video data as described above.

As to claim 27, the Ellis et al reference discloses an interactive music interface page as described above in claim 11. The Ellis et al reference does not explicitly disclose that the text descriptive of the music channels in the listing is coded as slices via slice-based encoding. The Boucher et al patent teaches a system and methods for preparing multimedia data using digital video data compression, wherein the video, which may include text, is encoded as slices via slice-based encoding (see the Abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the interactive music interface page in the Ellis et al reference with the teachings of the Boucher et al reference which teaches encoding video as slices using slice-based encoding for the advantages of saving transmission bandwidth, data processing, and data storage, since video data updates are smaller in size. One of ordinary skill in the art would have been led to make such a modification since

using slice-based encoding provides additional efficiency for transmitting and processing video data as described above.

8. Claims 16-18, 22-24 and 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al.

As to claims 16-18, the Ellis et al reference discloses a music interface page as described above in claim 11. Ellis et al further discloses that the set-top box 26 may store data related to the interactive program guide in memory 26 or pre-load data in the set-top box (see Fig. 1A, pg. 5, [0101]; pg. 7 [0117]; and pg. 21, [0223]). The Ellis et al reference does not explicitly disclose that each display region includes a background comprised of strips of alternating colors, the background of strips is composed as a bitmap, and the bitmap for the background is pre-loaded to a set top terminal. However, the Examiner takes Official Notice that it is notoriously well known in the art of interactive program guides to have the background of each display region comprised of strips of alternating colors that are composed as a bitmap for the advantage of allowing the user to be able to view and select the listing of channels in an easy manner, since the display regions are divided into strips of alternating colors. In addition to, it is also well known in the art to use a bitmap display format for graphical user interfaces since bitmaps are easily portable between different platforms, bitmap images may be compressed, and easily processed for display. Therefore, it is submitted that it would have been clearly obvious to one of ordinary skill in the art at the time of the invention to have each display region include a background comprised of strips of alternating colors, where the background of strips is

composed as a bitmap, and the bitmap for the background is pre-loaded to a set top terminal for the advantages given above.

As to claim 22, the claimed at least one object in the header region is composed as a bitmap is met by similarity to the rejection of claim 17 as described above.

As to claim 23, the claimed bitmap for each of the at least one object is encoded and sent via an in-band channel or an out-of-band channel is met in-part by the rejection of claim 22 as described above regarding the bitmap format, in addition to, the Ellis et al reference discloses that the data or objects may be transmitted via an in-band channel or an out-of-band channel as described on page 21 in ¶'s [0221]-[0224].

As to claim 24, the claimed text descriptive of the music channels in the listing is composed as a bitmap is met by similarity to the rejection of claim 17 as described above.

As to claims 25 and 26, the claimed bitmap for the text of the music channels is encoded and sent via an out-of-band channel, and with regards to claim 26, may also be sent via sent via an in-band channel is met in-part by the rejection of claim 24 as described above regarding the bitmap format, in addition to, the Ellis et al reference discloses that the data or objects may be transmitted via an in-band channel or an out-of-band channel as described on page 21 in ¶'s [0221]-[0224].

As to claims 31 and 33, the claimed at least one music page comprises a striped background, and wherein the terminal overlays text within stripes of the striped background to create listings of available music content is met in-part by the text listing of the music channels and information related to each channel 636 in Fig. 53A (pg. 21, [0221]), and by a similarity to the rejection of claim 16 as described above.

As to claim 32, the claimed striped background is pre-loaded to the terminal is met by similarity to the rejection of claim 18 as described above.

9. Claims 35-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks et al (USPN 5,990,927), in view of Ellis et al (US 2004/0117831), both cited by the Examiner.

As to claim 35, note the Hendricks et al reference which discloses a set top terminal (STT) (220, Figs. 1, 3 and 4) for receiving programming guide data. The claimed demodulator operative to receive a modulated signal and generate a transport stream is met by demodulator 606 in Fig. 4. The claimed transport demultiplexer coupled to the demodulator and operative to receive and process the transport stream to provide a plurality of elementary streams is met by demultiplexer 609 in Fig 4. The claimed decoder (600) coupled to the transport demultiplexer (609) and operative to decode a first elementary stream to generate an interactive program guide (IPG) page (Fig. 21). Hendricks et al discloses providing a music interface page having included therein a listing of music channels see Fig. 21 (also see col. 39, line 18 – col. 40, line 53). Hendricks does not explicitly disclose an interactive program guide having included therein a music icon representative of a topic of music, which provides an IPG page for display, receiving a selection for the music icon, and providing a music interface page having included therein a listing of music channels. Hendricks provides a music interface page having included therein a listing of music channels (Fig. 21) as described above, which is accessed directly from the user pressing a button on the remote control Fig. 13b (see col. 30, lines 40-62). The Ellis et al reference discloses an interactive program guide (110) having included therein a music icon (option 112D in Fig. 3, see pg. 14, ¶[0164]) representative of a topic of music, which provides a

IPG page for display, receiving a selection for the music icon, and providing a music interface page having included therein a listing of music channels, which is met by selecting option 112D, where the system displays the MUSIC HUB menu screen 630 as shown in Fig. 52, where the user may select a variety of program guide features related to music and music related programming, including music channels (option 631A). The claimed receiving a selection for the music icon is met by selecting the Music Channels option or icon (631A), which causes the MUSIC CHANNELS menu display 634 of Fig. 53A to be displayed, and the claimed providing the music interface page having included therein a listing of music channels is met by the MUSIC CHANNELS menu display 634 in Fig. 53A as described above (see pg. 20, [0217]-[0219]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the set top terminal of Hendricks et al with the teachings of the additional menus and icons as disclosed in the Ellis et al reference for the advantage of providing means of accessing the music channels through the interactive program guide and not just the remote control. One of ordinary skill in the art would have been led to make such a modification since providing additional ways of accessing the music channels would be beneficial to the user and is commonly used in many interactive program guide services.

As to claim 36, the claimed decoder is further operative to receive an indication that a particular music channel has been selected, retrieve an audio stream associated with the selected music channel, and process the retrieved audio stream is met by the set-top box 26 in the Ellis et al reference and the additional features as previously described above in claim 2.

As to claim 37, the claimed decoder is further operative to retrieve a data stream associated with the selected music channel, decode the data stream to retrieve descriptive

information for the selected music channel, and provide the descriptive information is met by the set-top box 26 in the Ellis et al reference and the additional features as previously described above in claim 7.

As to claim 38, the claimed the decoder is further operative to retrieve a video stream associated with the selected music channel, decode the retrieved video stream, and provide decoded video for the selected music channel is met by the set-top box 26 in the Ellis et al reference and the additional features as previously described above in claim 8.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ellis et al (US 2003/0200544 A1) – Discloses an interactive television program guide system that includes music channels.

Ellis et al (US 2003/0149988 A1) – Discloses a client server based interactive television program guide system that includes music channels.

Hassell et al (US 2004/0107439 A1) – Discloses an electronic program guide with music channels.

Kitazato et al (USPN 6,490,728 B1) – Discloses a channel information transmitting method and receiving apparatus with music channels.

Knudson et al (USPN 6,526,577 B1) – Discloses an enhanced interactive program guide that includes digital music channels.

Robbins et al (USPN 5,784,095 A) – Discloses a digital audio system with video output program guide.

Saib et al (USPN 6,230,322 B1) – Discloses a music channel graphical user interface.

Toriumi (USPN 6,062,868 A) – Discloses a background video data and music data transmitting method and data transmitting/receiving system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael W. Hoye whose telephone number is (703) 305-6954. The examiner can normally be reached on Monday to Friday from 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at (703) 305-4795.

**Any response to this action should be mailed to:**

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to customer service whose telephone number is **(703) 308-HELP**.

Michael W. Hoye  
July 25, 2004

A handwritten signature in black ink, appearing to read "JZ Miller", with a long horizontal flourish extending to the right.

**JOHN MILLER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600**